

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Jose Moreno, Jr. v. Winchell's Donut House, et al.

No. CV 25-6008-JFW(RAOx) (C.D. Cal. Aug. 5, 2025) · No. CV 25-6008-JFW(RAOx) · Decided August 5,
2025

OPINION

UNITED STATES DISTRICT COURT JS-6 CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES -- GENERAL Case No. CV 25-6008-JFW(RAOx) Date: August 5, 2025 Title: Jose Moreno, Jr. -v- Winchell's Donut House, et al. PRESENT: HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE Shannon Reilly None Present Courtroom Deputy Court Reporter ATTORNEYS PRESENT FOR PLAINTIFFS: ATTORNEYS PRESENT FOR DEFENDANTS: None None PROCEEDINGS (IN CHAMBERS): ORDER REMANDING ACTION TO LOS ANGELES COUNTY SUPERIOR COURT On May 29, 2025, Plaintiff Jose Moreno, Jr. ("Plaintiff") filed a Complaint against Defendants Winchell's Donut House, Choice Dental, and The VA Long Beach in Los Angeles County Superior, alleging a claim for negligence and undefined personal injuries.

On July 1, 2025, the United States, erroneously sued as The VA Long Beach ("United States") filed a Notice of Removal pursuant to 28 U.S.C. § 1442(a)(1). On July 9, 2025, Plaintiff filed a Notice of Dismissal of Defendant United States.

In light of the dismissal of the claims against Defendant United States, and after considering judicial economy, convenience, fairness, and comity, the Court declines to exercise supplemental jurisdiction over Plaintiff's claims alleged against the remaining defendants. See 28 U.S.C. § 1367(c) ("The district courts may decline to exercise supplemental jurisdiction over a claim... if... the district court has dismissed all claims over which it has original jurisdiction."); *Satey v. JPMorgan Chase & Co.*, 521 F.3d 1087, 1091 (9th Cir.

2008) (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 351 (1988)) ("[I]n the usual case in which all federal-law claims are eliminated before trial, the balance of factors to be considered under the pendent jurisdiction doctrine – judicial economy, convenience, fairness, and comity – will point toward declining to exercise jurisdiction over the remaining state law claims.") Accordingly, this action is REMANDED to Los Angeles County Superior Court.

IT IS SO ORDERED.